

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-25183-2021
Decided on : 08.07.2021**

Gagan Bhardwaj @ Gaurav Bhardwaj

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Abhinav Gupta, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Suman Bala.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 71, dated 18.03.2021, under Section 376 IPC, registered at Police Station Civil Lines, District Patiala, Punjab.

Learned counsel for the petitioner contends that a perusal of the FIR in question clearly reveals that the petitioner and the prosecutrix (who had obtained a Panchayati divorce from her first husband), had been in a live-in relationship. Further submits that the allegations levelled against the petitioner in the FIR in question that he subjected her to continuous rape on the pretext of marriage, is belied from the fact that clearly stands reflected in the FIR in question that she had been a consenting party all along and there was no pressure exerted upon her to develop any kind of physical relationship with the petitioner. Learned counsel further submits that the falsity of the allegations levelled in the FIR in question are evident from the fact that the prosecutrix refused to get herself medico legally

examined subsequent to the registration of FIR in question. It has been prayed that the petitioner has been in custody since 19th April, 2021 and only challan has been presented as on date, hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner with respect to the admitted live-in relationship between the parties and also the refusal of the prosecutrix to get herself medically examined subsequent to the registration of the FIR in question.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 19th April, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 08, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*